

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

JAMES J. SILVA

v.

A.T. WALL, Director, Rhode Island  
Department of Corrections, et al.

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C.A. 05-109S

**MEMORANDUM AND ORDER**

In this matter, the Petitioner, James J. Silva ("Petitioner"), filed a Motion seeking to compel the Rhode Island Department of Corrections to produce "all records written, recorded, or otherwise in/re to this Petitioner's May 16<sup>th</sup>, 1999 to June 14<sup>th</sup>, 1999 incarceration." (Document No. 14). The Motion has been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); Local R. 32(b). The records sought by Petitioner appear at first blush to be at least marginally relevant to this habeas corpus proceeding in which he claims that his confinement by the State of Rhode Island violates the Constitution. Accordingly, the Court ORDERS that the State, within ten (10) days of the date of this ORDER, either (1) produce copies of all documents regarding Petitioner's May 16, 1999 and June 14, 1999 incarcerations; or (2) file a response to Petitioner's Motion outlining the basis for its objection to production of the requested documents. If the State files an objection to production, this Court will issue a further ORDER addressing the substance of such objection.

So ordered.

ENTER:



LINCOLN D. ALMOND  
United States Magistrate Judge  
September 6, 2005

BY ORDER:

  
Deputy Clerk